THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition (S/S) No. 1105 of 2006.

Sukhbeer Singh, S/O Sri Nathu Singh, presently working as Assistant L.T. Grade Teacher in R.N.I. Inter College, Bhagwanpur, Haridwar, District Haridwar.

…. Petitioner.

Vs,

1. State of Uttaranchal through Secretary Education, Dehradun/Director of Education, Dehradun
2. Deputy Director of Education, Dehradun,
3. Joint Director of Education Pauri Garhwal Region,
4. District Education Officer Haridwar,
5. Management Committee, R.N.I. Inter College Bhagwanpur, Haridwar through its Manager
6. Principal, R.N.I. Inter College Bhagwanpur Haridwar,
7. Shyam Kumar Assistant Teacher R.N.I. Inter College, Bhagwanpur, Haridwar.

…Respondents.

Sri S.S. Yadav, learned counsel for the petitioner.
Sri Paresh Tripathi, Learned Counsel for the respondents no. 1 to 4.

Date August 14, 2006

P.C.: Hon'ble B.S. Verma, J.

Heard learned counsel. Permission is granted to the learned counsel for the petitioner to correct the name of the respondent no.4 as 'Management Committee R.N.I. Inter College Bhagwanpur Haridwar through its Manager". The petition has already been corrected accordingly.

By means of this writ petition, the petitioner has sought a writ, order or direction in the nature of mandamus directing the respondent nos. 4 and 5 to complete the promotion proceedings of petitioner on the post of Lecture History since 13.12.1999 for which he is eligible candidate of the institution.

The grounds taken by the petitioner are that he had completed ten years satisfactory service as on 3-12-1993 and from that very date, the petitioner became eligible to be absorbed in L.T. Grade but due to absorption of the petitioner in the said grade since 25.1.1995 as a result of letter sent by respondent no.4, seniority of the petitioner was adversely affected. It was challenged that the respondent no.7 was not appointed against sanctioned post of L.T. grade but he was appointed on the post of Lecturer Sanskrit which was vacant, though he was M.A. in Economics and History.

In the course of argument, the learned counsel for the petitioner made a reference to the fact that the petitioner made a representation to the Manager, R.N.I. Inter College, Bhagwanpur to the effect that on the basis of his past service, in may be considered for promotion, but the same proved futile. Besides, the petitioner filed Writ Petition No. 794 (S/S) of 2001 and this Court vide order dated 29-3-2001 directed the respondents to consider the seniority and promotion of the petitioner. The petitioner has also annexed the enquiry made by the Joint Director of Education (Annexure No. 15) and also annexed recommendation made by the Manager of the College to indicate that the post of lecturer is alive.

In the facts and circumstances of the case, it would be proper that the respondent no.5-Management Committee of the college concerned shall decide the representation of the petitioner in accordance with law as well as in view of Annexure Nos. 15 and 16 to the writ petition within a period of six weeks from the date of production of certified copy of this order.

With the above directions, the writ petition is disposed of finally.

(B.S. Verma,J.)

RCP